

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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NICOLAS FELIX,

Plaintiff,

v.

MICHAEL ADAMS, *et al.*,

Defendants.

Case No. 3:17-cv-00010-MMD-CLB

ORDER

Plaintiff Nicolas Felix, who is in the custody of the Nevada Department of Corrections (“NDOC”), brings this action under 42 U.S.C. § 1983. Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge Carla L. Baldwin (ECF No. 37), recommending that the Court grant Defendants’ motion for summary judgment (“Motion”) (ECF No. 33). Plaintiff had until June 18, 2020 to file an objection. To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts the R&R and will grant Defendants’ Motion.

This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the Court is required to “make a *de novo* determination of those portions of the [report and recommendation] to which objection is made.” *Id.* But where a party fails to object to a magistrate’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also U.S. v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only if*, one or both parties file objections to the findings and recommendations.”) (emphasis in

1 original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that the court
2 “need only satisfy itself that there is no clear error on the face of the record in order to
3 accept the recommendation”).

4 While Plaintiff has failed to object to Judge Baldwin’s recommendation to grant
5 summary judgment in favor of Defendants, the Court will conduct a *de novo* review to
6 determine whether to adopt the R&R. Judge Baldwin found that “Defendants are entitled
7 to summary judgment because adequate procedural protections were in place that Felix
8 could have used to contest the alleged deprivation of property.” (ECF No. 37 at 8.) Having
9 reviewed the R&R, the Complaint and Defendants’ motion (which Plaintiff did not oppose
10 (see *id.* at 1)), the Court agrees with Judge Baldwin.

11 It is therefore ordered that Judge Baldwin’s Report and Recommendation (ECF
12 No. 37) is accepted and adopted in full.

13 It is further ordered that Defendants’ motion for summary judgment (ECF No. 33)
14 is granted.

15 The Clerk of Court is directed to enter judgment in accordance with this order and
16 close this case.

17 DATED THIS 25th day of June 2020.

A handwritten signature in blue ink, appearing to read 'Miranda M. Du', is written over a horizontal line.

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19 MIRANDA M. DU
20 CHIEF UNITED STATES DISTRICT JUDGE
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